

SENATE BILL 770

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 4, Chapter 3; Title 62, Chapter 11; Title 62, Chapter 26; Title 62, Chapter 27; Title 62, Chapter 32, Part 3 and Title 62, Chapter 35, relative to detection services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-11-106(2)(B), is amended by deleting the subdivision and substituting the following:

(B) Notwithstanding any other law to the contrary, all moneys collected pursuant to this chapter shall be deposited in the state treasury in the account created in § 62-35-143 and shall be managed and expended in accordance with § 62-35-143(a)(2).

SECTION 2. Tennessee Code Annotated, Section 62-26-202(3), is amended by deleting the subdivision.

SECTION 3. Tennessee Code Annotated, Section 62-26-204(a), is amended by deleting the word "commission" and substituting "commissioner".

SECTION 4. Tennessee Code Annotated, Section 62-26-204(c), is amended by deleting the subsection and substituting the following:

(c) Each private investigator licensed in accordance with this part shall maintain a business address to be recorded with the commissioner. A licensed private investigator under this part is not required to affiliate with a licensed investigations company.

SECTION 5. Tennessee Code Annotated, Section 62-26-204(d), is amended by deleting the subsection.

SECTION 6. Tennessee Code Annotated, Section 62-26-205(a)(4)(G), is amended by deleting "the commission of".

SECTION 7. Tennessee Code Annotated, Section 62-26-206(b), is amended by deleting "promulgated by the commission".

SECTION 8. Tennessee Code Annotated, Section 62-26-212(b), is amended by deleting "The commission may, in its discretion" and substituting "The commissioner may, in the commissioner's discretion".

SECTION 9. Tennessee Code Annotated, Title 62, Chapter 26, Part 2, is amended by deleting the word "commission" wherever it appears and substituting "commissioner" except in § 62-26-202(6)(E).

SECTION 10. Tennessee Code Annotated, Section 4-3-1304, is amended by deleting subdivision (a)(11) and redesignating the subsequent subdivisions.

SECTION 11. Tennessee Code Annotated, Section 4-29-245, is amended by deleting subdivision (a)(17).

SECTION 12. Notwithstanding § 4-29-112, the private investigation and polygraph commission, created by § 62-26-301, terminates and ceases to exist on June 30, 2021.

SECTION 13. Tennessee Code Annotated, Title 62, Chapter 26, Part 3, is amended by deleting the part.

SECTION 14. Tennessee Code Annotated, Section 62-27-102, is amended by deleting subdivision (1) and substituting:

"Commissioner" means the commissioner of commerce and insurance;

SECTION 15. Tennessee Code Annotated, Section 62-27-117(5), is amended by deleting "the commission of" wherever it appears.

SECTION 16. Tennessee Code Annotated, Section 62-27-123, is amended by deleting "any commission member, its" wherever it appears and substituting "the commissioner or the commissioner's".

SECTION 17. Tennessee Code Annotated, Section 62-27-125(1)(H), is amended by deleting "the private investigation and polygraph commission" and substituting "the commissioner".

SECTION 18. Tennessee Code Annotated, Section 62-27-126(c), is amended by deleting the language "commission may, upon its own motion " and substituting "commissioner may, in the commissioner's own discretion".

SECTION 19. Tennessee Code Annotated, Title 62, Chapter 27, Part 1, is amended by deleting "commission" wherever it appears and substituting "commissioner".

SECTION 20. Tennessee Code Annotated, Section 62-32-303(1), is amended by deleting the subdivision and substituting the following:

(1) "Alarm system" means any electrical device, signaling device, or combination of those devices used to signal or detect a burglary, fire, robbery, or medical emergency.

SECTION 21. Tennessee Code Annotated, Section 62-32-303, is amended by deleting subdivision (4) and inserting the following as a new subdivision:

"Commissioner" means the commissioner of commerce and insurance;

SECTION 22. Tennessee Code Annotated, Section 62-32-306, is amended by deleting the section.

SECTION 23. Tennessee Code Annotated, Section 62-32-307, is amended by deleting subsection (b) and inserting the following:

The commissioner has the power to establish fees under § 62-32-318 sufficient to pay the annual expenses of administering this part.

SECTION 24. Tennessee Code Annotated, Section 62-32-308, is amended by deleting the section.

SECTION 25. Tennessee Code Annotated, Section 62-32-310, is amended by deleting the section.

SECTION 26. Tennessee Code Annotated, Section 62-32-312(g)(1), is amended by deleting the subdivision and substituting the following:

All alarm system contractor employees who sell, install, or repair alarm systems must successfully complete relevant training, as determined by the commissioner.

SECTION 27. Tennessee Code Annotated, Section 62-32-312(g)(3), is amended by deleting ", including closed circuit television systems".

SECTION 28. Tennessee Code Annotated, Section 62-32-313(c), is amended by deleting the subsection and substituting the following:

An applicant for qualifying agent must satisfy the following educational and training criteria:

(1) The applicant must hold a post-high-school degree from an accredited university, college, or technical college approved by the commissioner; or

(2) The applicant must hold a current certification by a national training program approved by the commissioner in the field of work to be installed, serviced, or monitored, and have at least three (3) years of working experience in the alarm industry covering the actual installation of alarm systems.

SECTION 29. Tennessee Code Annotated, Section 62-32-313(m), is amended by deleting the subsection.

SECTION 30. Tennessee Code Annotated, Section 62-32-314(b), is amended by deleting "board's" and substituting "commissioner's".

SECTION 31. Tennessee Code Annotated, Section 62-32-323, is amended by deleting the section.

SECTION 32. Tennessee Code Annotated, Title 62, Chapter 32, Part 3, is amended by deleting "board" wherever it appears and substituting "commissioner".

SECTION 33. Tennessee Code Annotated, Section 62-32-320(b), is amended by deleting the first sentence.

SECTION 34. Tennessee Code Annotated, Section 62-35-137, is amended by deleting the section.

SECTION 35. Tennessee Code Annotated, Title 62, Chapter 35, is amended by adding the following as a new section:

62-35-143.

(a)

(1) The detection services licensing program includes the commissioner's implementation of the requirements of this chapter, chapters 26 and 27 of this title, and chapter 32, part 3 of this title.

(2)

(A) All moneys collected pursuant to this chapter, chapters 26 and 27 of this title, and chapter 32, part 3 of this title are deposited in the state treasury in a separate account for the administration of this chapter, chapters 26 and 27 of this title, and chapter 32, part 3 of this title, which is governed by § 56-1-310.

(B) Notwithstanding subdivision (a)(2)(A), disbursements from the account may be made for the purpose of defraying expenses incurred in the implementation and enforcement of chapter 11 of this title.

(b) The commissioner may establish a detection services advisory committee for the purpose of assisting the commissioner with the implementation of the detection services licensing program described in subdivision (a)(1).

(c) If the commissioner establishes the committee pursuant to subsection (b), then the committee may include eleven (11) members as follows:

- (1) Three (3) members representing the alarm industry;
- (2) Three (3) members representing the private investigation industry;
- (3) Three (3) members representing the private security industry;
- (4) One (1) polygraph examiner; and
- (5) One (1) public member who is not eligible for membership under subdivisions (c)(1)-(4).

(d) The commissioner shall strive to achieve a diverse membership that represents the citizenry of Tennessee.

(e) The committee is administratively attached to the department's division of regulatory boards.

(f) Committee members shall receive no compensation but are reimbursed for actual travel and other expenses incurred in attending each meeting and in performing any other duties provided for in this chapter. All reimbursement for expenses must be in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

SECTION 36. All moneys of boards, commissions, and regulatory funds eliminated by this act shall be transferred to the account created in Section 35 of this act. All other resources of boards, commissions, and regulatory funds eliminated by this act shall be transferred to the detection services licensing program created in Section 35 of this act.

SECTION 37. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. Sections 11 and 12 take effect upon becoming a law, the public welfare requiring it. For all other purposes, all remaining sections of this act take effect July 1, 2021, the public welfare requiring it.